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ORIGINAL

FOR THE Northern DISTRICT OF Texas
Fort Worth DIVISION

FILED

SEP 22 2016

11:34 am

CLERK, U.S. DISTRICT COURT
By _____
Deputy 

Sydney Melissa Navarro
Appellant, 46030-177)

CASE NO. 4:16-CV-839-A

v.

UNITED STATES OF AMERICA,
Appellee.

PART A

**APPLICATION FOR CERTIFICATE
OF APPEALABILITY**

PART A

NOTICE AND INSTRUCTIONS

Your motion for leave to proceed on appeal without prepayment for costs or fees and/or application for a certificate of appealability will be evaluated by the court using these standards:

1. Leave to Proceed Without Prepayment of Costs or Fees. You must meet all of the requirements of the Prisoner Litigation Reform Act, Public Law No. 104-134, 110 Statute 132 (April 26, 1996); Title 28 U.S.C. § 1915. This includes submitting the certified statement of trust accounts and authorization to deduct funds attached to this document.

All documentation must be completed.

2. Certificate of Appealability. There must be a substantial showing of denial of an important federal right by demonstration that the issues raised are debatable among jurists, that a court could resolve the issues differently, or that the questions deserve further proceedings. Barefoot v. Estelle, 463 U.S. 880 (1983); Lennox v. Evans, No. 96-6041, (10th Cir. June 2, 1996).

Appellant relies on Haines v. Kerner, 404 U.S. 519, 520 82 S.Ct. 594, 30 L. Ed. 2d 652 (1972) that states in essence that "pro se" pleadings are entitled to more liberal construction and that such pleadings should be given the benefit of those doubts raised in such pleadings. Appellant realizes that she is untrained in the numerous facets of the law and would request that she not be held to the same rigid standards of those required with formal training of the laws and attorneys.

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**FAILURE TO SET FORTH FACTS AND ARGUMENTS SHOWING THAT
YOU MEET THE APPROPRIATE STANDARD WILL SUBJECT YOUR
APPEAL TO DISMISSAL WITHOUT FURTHER NOTICE**

You may use Part A of this form to furnish a statement of the case, the issues you intend to raise on appeal, and the reasons your appeal meets the applicable standards. The form is intended to guide you in meeting the above standards. If you need more space to answer, additional pages may be attached. The information you furnish, together with the full record of the proceedings in the district court, will be the basis for this court's decision. You should bear in mind that an appeal is not a retrial, but, rather a review of the district court's judgment and record of proceedings.

APPLICATION AND/OR MOTION

1. Statement of the Case. (This should be a brief summary of the proceedings in the district court.)
Defendant was convicted of 21 USC § 84 and as a result was sentenced to 324mths however a 18 USC § 3582 was granted to amend such to 275mths.
2. Issues to be raised on Appeal. (New issues cannot be raised for the first time on appeal.)
USSG 3B1.2, Violative error of Due Process, Violation of 4th + 8th amendment, Fundamental defects of procedural & judicial procedures.
3. Summary of your argument showing that your Appeal meets the standards stated on Page 1.
That defendant was denied rights that were essential in the prosecutorial process and elements that are essential for conviction were not presented.
4. Do you think the district court applied the wrong law? If so, what law do you want applied?
Yes, USSG 3B1.2 as the newly unconstitutional law just became available and was enacted after the defendants conviction became final.
5. Did the district court incorrectly decide the facts? If so, what facts?
Yes the defendant was simply paid to do a certain task, with no leadership role and an act of conspiracy in which she withdrew from notification to members of the conspiracy as indicated and required.

6. Case Did the district court fail to consider important grounds for relief? If so, what grounds? Yes,
the actual role of defendant and the
part she played in the conspiracy.

7. Do you feel that there are any other reasons why the district's court judgment was wrong?
If so, what? Yes USSG3B1.2 which was a newly
imposed statute that was just en-
acted.

8. What action do you want this court to take in your case? To review, de-eval-
uate and re-consider defendants sentence
with consideration to Vacate and/or Reduce
defendants sentence based upon such.

9. Were you required to seek and exhaust administrative remedies prior to filing claim in the
district court? If yes, what steps did you take to exhaust those remedies? Yes, direct
Appeal & previous submitted 2255 motion

Date

Name, Register #:
Appellant, In Propria Persona
FMC Carswell - Unit
PO Box 27137
Fort Worth, Texas 76127-0137

ATTACHMENTS/

Supporting Certification
Proof of Mailing

Name Sydney Novard
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Ft. Worth, TX 76127

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DALLAS TX 750
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46030-177
Federal District Court
Ft. Worth Division
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United States

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